haustive review of the principles governing estates by the entirety. Referring to the common law status of such an estate as a species of joint tenancy, hence having the four unities; viz, of interest, title, time and possession, BLACKSTONE'S COM. *180 *183, the court points out that joint tenants held equal shares for the purpose of immediate alienation but, for the purposes of possession and survivorship, each owned the whole. 1 PRESTON ESTATES *136; *Wilkins* v. *Young,* 144 Ind. 1, 41 N. E. 68, 55 Am. St. Rep. 162. At common law husband and wife were regarded as one. BLACKSTONE'S COM. *182. This notion gave rise to the construction of an entirety of estate in their tenancy. 1 PRESTON, ON ESTATES *32. Each was seized of the whole and neither of a divisible part. 1 BLACKSTONE'S COM. *182. As a result, a tenant by entirety could not defeat the right of the survivor to hold the entire estate. At common law the husband had, during the coverture, a right to possess and control the wife's portion of such estate. *Beach* v. *Hollister,* 3 Hun 519; *Hall* v. *Stephens,* 65 Mo. 670, 27 Am. Rep. 302; *Davis* v. *Clark,* 26 Ind. 424, 89 Am. Dec. 471. This right to rents could be sold on execution for his debts. *Ames* v *Norman,* 4 Sneed 683, 70 Am. Dec. 269; *Bennett* v. *Child,* 19 Wis. 362 88 Am. Dec. 692; *Snyder* v. *Sponable,* 1 Hill (N. Y.) 567. After the passage of modern statutes, however, the profits of the State became her separate property as fully as if she were unmarried. BURNS ANN ST., 1908 § 7852. Consequently the husband does not own the rents of the property held in entirety with his wife and they cannot be sold for his debts. *Chandler* v. *Cheney,* 37 Ind. 391; *Jones* v. *Chandler,* 40 Ind. 588; *Patton* v. *Rankin,* 68 Ind. 245, 34 Am. St. Rep. 254. From the further facts which the court points out, that the estate by entirety with its incidents is preserved under the statutes as at common law (BURN'S ANN. ST., § 3954), and that a husband and wife are undisputably entitled jointly to sell such an estate, it concludes that plaintiffs' argument is not sound and that defendants have good title through the joint judgment.

INJUNCTION—DAMAGES—ATTORNEY'S FEES. Five temporary injunctions were adjudged to have been wrongfully sued out and were ordered dissolved in *C. H. Albers Commission Co. et al.* v. *Spencer et. al,* 205 Mo. 105, 103 S. W. 523. When this mandate went down to the lower court defendants there moved for assessment of damages on the injunction bonds, including in their motion a request for allowance of attorney's fees incurred both (1) in seeking to dissolve the injunctions in the lower court, and (2) in defending appeals from the lower court's order of dissolution. *Held,* as to (1) attorney's fees were properly assessed as part of the damage flowing naturally and proximately from the wrongful injunctions, but that as to (2) attorney's fees for defending appeals were too remote and would not be allowed. *C. H. Albers Commission Co, et. al.* v. *Spencer et. al.* (Mo. 1911) 139 S. W. 321.

The rule that attorney's fees incurred in getting rid of a wrongful injunction are properly included as part of the damage sustained by the injured party is in accord with that followed generally. *Porter* v. *Hopkins,* 63 Cal. 53; *Keith* v. *Henkleman,* 173 Ill. 137; *Swan* v. *Timmons,* 81 Ind. 243; *Nielson* v. *Albert Lea,* 87 Minn. 285. But some courts hold that the defendant is

entitled to be indemnified only for damages caused to him by the restraint imposed, and not for the cost of ridding himself of the restraint. *Oliphant* v. *Mansfield,* 36 Ark. 191; *Wood* v. *State,* 66 Md. 61; *Sensenig* v. *Parry,* 113 Pa. St. 115; *Jones* v. *Rosedale Street Ry. Co.,* 75 Tex. 382; and the Federal courts take the latter view. *Lindeberg* v. *Howard,* 146 Fed. 467; *Sullivan* v. *Cartier,* 147 Fed. 222, 77 C. C. A. 448; *Oelrichs* v. *Spain,* '15 Wall, 211. Hence in an action in a State court on an injunction bond given in a Federal court the State court is bound to follow the rule of the Federal courts that counsel fees are not recoverable. *Tullock* v. *Mulvane,* 184 U. S. 497, 22 Sup. Ct. 372. Where the injunction is auxiliary to some other cause of action, all courts agree that recovery is limited to the expense rendered necessary in procuring dissolution of the injunction, and does not include expense caused by defenses to the main suit. *Chicago Veneered Door Co.* v. *Parks,* 79 Ill. App. 188; *Randall* v. *Carpenter,* 88 N. Y. 293; *Lamb* v. *Shaw,* 43 Minn. 507. It is held that there can be no recovery for fees expended in an unsuccessful attempt to dissolve an injunction, though it be finally determined that the injunction was wrongfully issued. *Pollock* v. *Whipple,* 57 Neb. 82. As to recovery of fees incident to appeal in suits for dissolution of injunction, there is good authority that such may be had, contrary to the holding on the second proposition in the principal case. *Jesse French Piano etc. Co.* v. *Porter,*134 Ala. 302, 32 South. 678; *Lambert* v *Haskell,* 80 Cal. 611, 22 Pac. 327; *Ryan* v. *Anderson,* 25 Ill. 330. The St. Louis Court of Appeals held in *Neiser* v. *Thomas,* 46 Mo. App. 47 that a supersedeas bond being given and the injunction not continuing in force pending appeal, there could be no recovery for fees expended on the appeal. The Supreme Court of Missouri takes this view in the principal case, saying that the reason for allowance of fees in getting rid of a temporary injunction in the lower court is the existence and operative force of the restraining orders wrongfully obtained, and when those orders are lifted below, the reason no longer operates in favor of subsequent services of counsel. *Elwood Mfg. Co.* v. *Rankin,* 70 Ia. 403, 30 N. W. 677; *Barre Water Co.* v. *Carnes,* 68 Vt. 23; HIGH, INJUNCTIONS, Ed. 4 § 1687.

LIBEL—RIGHT OF PRIVACY—PUBLICATION OF PHOTOGRAPH.—The defendant newspaper published a photograph of the plaintiff to add interest to an article which stated that her father was charged with a crime and would be arrested. *Held,* publication of the photograph was not actionable as statutory libel or as a violation of any legal right of privacy. *Hillman* v. *Star Pub. Co.* (Wash. 1911) 117 Pac. 594.

Under the Washington code, it is a libel "to expose any living person to hatred, contempt, ridicule or obloquy, or to deprive him of the benefit of public confidence or social intercourse." To print a picture of a prominent millionaire's daughter as part of a story that her father was indicted and would be arrested for a penitentiary offense, would not, holds the Washington court, "tend to deprive her of social intercourse among right-thinking people, but would rather tend to excite pity for her." It is submitted that the psychological ratiocination of the court will not bear close scrutiny. Newspaper stories with a "heart throb" do not always invoke pity and must be